

Street Encounters on Less than Probable Cause

Vampire Squad Training Bulletin

Written by Officer C. Mason



General Information

- One of the most confusing areas for police officers is the area of street encounters with citizens, where the officer acts with less than PC.

Issues with Street Encounters

- A balance of officer safety
- And proper performance of job

Officer's Actions

- Officer must remember to take official action
- Which is related to the amount of information he possesses
- The officer can use the minimal intrusion of requesting
- Information if PC does not exist.

Officer's Actions

- When PC does not exist the request for information must be limited in scope and contact must be brief.
- If the stop is based on reasonable suspicion this is an intrusive procedure and the officer must be prepared to back up the stop with facts and circumstances.

Officer's Actions

- If the officer stops the person based on a “hunch” the officer must resort to a consensual encounter to obtain information from the subject.

Subject's Actions

- The citizen queried has the right to refuse to answer questions and/or walk away from the officer.
- The citizen is not required to answer the officer's questions
- And his silence cannot be used as a basis for further action.

Case Law

- Officers may freely ask for identification and request to search
- However when officers persist and create an appearance
- The person must comply and the person is not free to leave
- The encounter becomes a Terry Stop
- And the officers must have reasonable suspicion to detain the person.

Case Law

- There is a need for police questioning as a tool for effective law enforcement.

Questions??